IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.Rev.Pet.No. 950 of 1998(B)

CRA.143/1995 of SESSIONS COURT, THRISSUR
CC.258/1991 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY

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REVN. PETITIONER/APPELLANT/ACCUSED:

GOPALAKRISHNAN,
S/O. VELAPPAN,
MANIKUNDIL HOUSE,
CHUDAVALATHUR, SHORANUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. CHINNA, D/O. THANGYVALAPPIL AYYAPPAN,
VARAVOOR VILLAGE, DESOM,
TALAPPILLY TALUK.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.K.B.MOHANDAS
SRI.T.G.LELLULAL
SRI.S.SREEKUMAR SC CBI
GOVERNMENT PLEADER SRI.AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.Rev.Pet.No. 950 of 1998(B)

ORDER ON CRL.M.P.NO.4705/1998 IN CRL.R.P. NO. 950 OF 1998

DISMISSED.

12.7.2007 SD/- K.R.UDAYABHANU, JUDGE.

// TRUE COPY//

K.R. UDAYABHANU, J.

CRL.R.P.NO.950 OF 1998

DATED THIS THE 12th July 2007

ORDER

The revision petitioner, who is the accused in C.C.No.258/1991 in the file of the Judicial First Class Magistrate, Vadakkancherry, stands convicted for the offence under Section 496 I.P.C. and sentenced to undergo rigorous imprisonment for one month and to pay a compensation of Rs.40,000/- to the de facto complainant and in default to undergo rigorous imprisonment for one year.

2. The prosecution case is that the revision petitioner married the de facto complainant on 13-11-1988 concealing the fact that he had already married one Indirakumari in December 1982. The complaint in this regard was filed on 29-6-1990. The evidence adduced in the matter consisted of the testimony of PWs.1 and 2 and EXts.P1 to P9.

3. Counsel for the revision petitioner has only sought for modification of the sentence pointing out that the revision petitioner is right now aged 64 years and that for the last about 18 years he has been facing the criminal proceedings. It is also submitted that he has no other antecedents and that he has not involved in any other offence. In the circumstances, I find that the sentence is liable to be

modified. Hence, the sentence is modified to undergo imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- to PW1 and in default to undergo simple imprisonment for six months. The revision petitioner is granted one month's time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate, Wadakkancherry on 16-8-2007 to receive sentence. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P.NO. 950 OF 1998-B
ORDER

12-=7-2007